

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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|------------------------------|---|---------------------------|
| NIKI FRENCHKO, |) | Case No. 4:23-cv-00781 |
| |) | |
| Plaintiff, |) | Judge J. Philip Calabrese |
| |) | |
| v. |) | Magistrate Judge |
| |) | Thomas M. Parker |
| PAUL MONROE, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| |) | |

ORDER

On April 18, 2023, the Court conducted a hearing on the record on Plaintiff's motion for a temporary restraining order. (ECF No. 2; ECF No. 6.) Plaintiff's motion sought to preserve evidence for discovery, primarily Defendants' cellphone records. (See ECF No. 2.) At the hearing, the Court asked Plaintiff's counsel if third-party subpoenas for the relevant phone records had been served. Counsel represented that those subpoenas had not yet been served.

On May 3, 2022, the Court held an in-person hearing, which all parties and counsel attended. (ECF No. 14.) At the hearing, Defendants provided the information for service of subpoenas to their cellphone carriers. The Court ordered Plaintiff to serve notice of subpoenas for Defendants' cellphone records no later than May 8, 2023. (*Id.*, PageID #110.) Plaintiff served those notices on May 5. (ECF No. 15.) At a hearing more than two months later, on July 10, 2023, Plaintiff represented that she has not received the subpoenaed phone records from AT&T or T-Mobile even though the time for objections to the subpoenas has since passed.

To bring the document productions and any objections to the subpoenas to a close, the Court sets a hearing in-person on **Tuesday, July 25, 2023, at 3:00 p.m.** in Courtroom 16B, Carl B. Stokes U.S. Courthouse, 801 West Superior Avenue, Cleveland, Ohio. The Court **ORDERS** the records custodian of each subpoena recipient to appear at the conference to explain the efforts to comply with the subpoenas, the basis for any objections, and the status of producing responsive documents. The Court will treat the inability of the custodian or other representative answer these questions as a failure to appear. Further, the Court **ORDERS** a representative of each subpoena recipient with full decisional authority to attend, whether that be the records custodian or another individual. If the records are made available to counsel before the date of the hearing, the Court will excuse the responding entity's appearance. Plaintiff may withdraw any subpoena before the hearing; the Court directs Plaintiff's counsel to file a notice if Plaintiff decides to withdraw a subpoena to either phone carrier.

With respect to disputes regarding any subpoena, the Court **ORDERS** the parties and recipients of any subpoena to follow the procedures outlined in its Civil Standing Order (available on the Court's website).

Finally, the Court **ORDERS** Plaintiff's counsel to serve this Order on the subpoena recipients and to provide a copy to each person at each recipient with whom they have been dealing with respect to the subpoena.

SO ORDERED.

Dated: July 10, 2023

A handwritten signature in black ink, appearing to read 'J. Calabrese', with a long horizontal flourish extending to the right.

J. Philip Calabrese
United States District Judge
Northern District of Ohio